

REMARKS

This is in response to the Office Action of January 13, 2006. In the Office Action, all pending claims 18-36 were rejected. With this Amendment, claims 18, 23-24, 28 and 31 are amended and claims 22 and 32 have been cancelled. The remaining claims are unchanged in the application. Amendments to independent claims 18 and 28 are based substantially on now canceled claims 22 and 32, which included the additional power source element. Additional support for the claim amendments can be found in FIG. 1 and the corresponding description in the Specification. Power control module (PCM) 104 of FIG. 1 shows multi-voltage (+5 VDC and +12 VDC) power source 107 and additional power source 108. All pending claims 18-21, 23-31 and 33-36 are presented for reconsideration and favorable action.

I. IMPROPER FINAL OFFICE ACTION

The conclusion section of the Final Office Action indicates that the Applicants' amendment necessitated the new ground(s) of rejection and therefore the Action has been made final in accordance with MPEP section 706.07(a). Applicants respectfully point out that the only amendments made in the previous response, filed on September 26, 2005, were a substitution for "an unexpected and random change" with "a disruption," in claims 18 and 28, and a correction for missing antecedent basis in claim 25. Although, for reasons provided in the response filed on September 26, 2005, Applicants' believe that the rejection of claims 18 and 28 under 35 U.S.C. §112, first paragraph, in that Office Action was improper, the amendments to claims 18 and 28 were made only because the Examiner appeared to have a preference

for the term "disruption" over "unexpected and random change." The substitution of preferred language left the meaning and scope of claims 18 and 28 substantially unchanged. Therefore, since the Final Office Action includes a new ground of rejection, which was not necessitated by the Applicants' amendment, the final Action is improper and should be withdrawn.

II. CLAIM REJECTIONS UNDER 35 U.S.C. §112

On page 2 of the Office Action, claims 18-36 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. With this Amendment, independent claims 18 and 28 are amended to remove language that the Examiner suggests is unsupported by the Specification and therefore the rejection should be withdrawn.

II. CLAIM REJECTIONS UNDER 35 U.S.C. §§102 and 103

On page 3 of the Office Action, claims 18, 20, 22, 24-28, 30, 32 and 34-36 were rejected under §102(b) as being anticipated by Bouterin et al., U.S. Patent No. 4,639,916. On page 5 of the Office Action, claims 19 and 29 were rejected under §103(a) as being unpatentable over Bouterin in view of Yoshino, U.S. Patent No. 5,621,742. On page 6 of the Office Action, claims 21 and 31 were rejected under §103(a) as being unpatentable over Bouterin in view of Cronvich et al., U.S. Patent No. 5,386,183. On page 7 of the Office Action, claims 23 and 33 were rejected under §103(a) as being unpatentable over Bouterin in view of Lee et al, U.S. Patent No. 4,764,652.

Amended independent claim 18, which is directed to a power tester apparatus for testing an electronic device, requires "a multi-voltage power source supplying a

selectable voltage level for the constant power supply voltage at the nominal power supply voltage of the electronic device," and "an additional power source supplying an additional voltage . . . wherein the additional voltage is outside a range of different voltages that the multi-voltage power source can supply."

Nothing in Bouterin teaches or suggests the above elements of claim 18. The only power supply components in Bouterin (50, 51, . . . of FIG. 1) are stabilized power supplies fed by the public mains. (See Bouterin column 4, lines 38-43.) These power supply components are unrelated to "a multi-voltage power source . . . and an additional power source supplying an additional voltage . . . wherein the additional voltage is outside a range of different voltages that the multi-voltage power source can supply," required by claim 18. Further, the remaining references (Yoshino, Cronvich and Lee) do not overcome the deficiencies of Bouterin. Therefore, claim 18 is patentable and non-obvious over the cited references.

Independent claim 28 has limitations similar to that of independent claim 18. Thus, for the same reasons as independent claim 18, Applicants submit that independent claim 28 is allowable as well. Moreover, Applicants respectfully submit that the dependent claims are also allowable at least by virtue of their dependency either directly or indirectly from the allowable independent claims. Further, the dependent claims set forth numerous elements not shown or suggested in the cited references (Bouterin, Yoshino, Cronvich and Lee).

In light of the above amendments and remarks, all pending claims are in form for allowance. Reconsideration and allowance of these claims is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By:

Rego

Alan G. Rego, Reg. No. 45,956
Suite 1400 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

AGR:tkj